



To the Honorable Council  
City of Norfolk, Virginia

February 25, 2014

From: George M. Homewood, AICP CFM, Acting Planning Director

Subject: **Historic Districts Rewrite and Architectural Review Board**

Reviewed: Ronald H. Williams, Jr., Assistant City Manager *R. Williams* Ward/Superward: Citywide

Approved:

*Marcus D. Jones*  
\_\_\_\_\_  
Marcus D. Jones, City Manager

Item Number:

R-2

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval** of the companion Zoning Text Amendment.
- III. **Request**  
Companion City Code amendments to the Historic Districts and Architectural Review Board (ARB) Zoning Text Amendments
- IV. **Applicant:** Historic and Architectural Preservation Committee
- V. **Description**
  - This series of amendments to Code of Norfolk will abolish the Norfolk Design Review Committee (NDRC) and the Historic and Architectural Preservation Committee (HAPC) and assigning those functions to the ARB created through the Zoning Text Amendment
  - As a part of these amendments, the role of design review on parcels acquired from the City is clarified and economic development projects in the Suburban Character District are exempted going forward

Staff point of contact: George Homewood at 664-4770, [george.homewood@norfolk.gov](mailto:george.homewood@norfolk.gov)

Attachments:

- Ordinance



# City of NORFOLK

To City Planning Commission  
City of Norfolk, Virginia

19 December 2013

From: George M. Homewood, AICP CFM  
Acting Planning Director

**Subject:** Zoning Text Amendment to replace Chapter 9 and make companion amendments to Chapters 2, 3, 8, 10, 11, 15, 18 and 25 to establish an Architectural Review Board, provide a Norfolk Historic Landmark designation, and make other revisions to the Historic and Cultural Conservation Districts and Overlays.

Reviewed: Leonard M. Newcomb, III  
Land Use Services Manager

**Ward/Superward:** Citywide

Approved:

\_\_\_\_\_  
George M. Homewood, AICP CFM  
Acting Planning Director

**Item Number: 4**

I. **Recommendation:**

Staff recommends approval of the amendments given that they implement strategies contained in *plaNorfolk2030* and improve the organization and user friendliness of the Historic and Cultural Conservation Districts in the *Zoning Ordinance*.

II. **Applicant:**

City Planning Commission on behalf of the Historic and Architectural Preservation Committee (HAPC)

III. **Description:**

This agenda item is to consider adopting a significant reorganization of the Historic and Cultural Conservation Districts and Overlays, create an Architectural Review Board, allow for the designation of Norfolk Historic Landmarks, and make a series of companion amendments to other sections of the *Zoning Ordinance* to conform terminology and processes.

#### IV. Analysis:

##### Plan Analysis

- The Preserving Our Heritage chapter of *plaNorfolk2030* includes several actions to improve awareness and protect historic resources and to streamline the Certificate of Appropriateness (COA) process.
  - Among those actions include:
    - Recommending the elimination of either the Planning Commission or the Design Review Committee from the COA process; and
    - Recommending creation of a system for the designation of local landmarks.
- The Enhancing Economic Vitality chapter of *plaNorfolk2030* includes an action calling for modifications to city processes, such as the COA process, to support business investment.
- The proposed changes to the *Zoning Ordinance* are consistent with these actions.

##### Zoning Analysis

- The proposed amendments, if adopted, will establish the following key changes to the current provisions of the *Zoning Ordinance*:
  - Creation of an Architectural Review Board (ARB) as a decision-making body replacing the existing Norfolk Design Review Committee (NDRC)
    - This will support both the Smart Processing goal of reducing the number of steps required for approval and allow the City to qualify for Certified Local Government (CLG) status from the US Department of Interior and the Virginia Department of Historic Resources (VDHR).
  - Creation of a Norfolk Historic Landmark designation to be applied to individual structures and places outside of local historic and cultural conservation districts.
  - Substantial clarification of the COA process, especially in more clearly defining when a COA is and is not required.
  - Improved public notice requirements as a part of the COA process.
  - Enhanced standards for defining “economic infeasibility of preservation” to be applied to requests to demolish contributing structures in local historic and cultural conservation districts.
  - Use of consolidated tables to set out district requirements which improves usability, especially for lay citizens.
    - The modified land use tables conform to the style and content used in the previous amendments to the land use tables and dimension standards tables.
  - Requires a COA for demolition in historic overlay districts including Downtown.
  - Creates a right for property owners in a historic district to appeal a COA approval to the City Council and, in cases involving demolition, further to the circuit court.



- Creating the ARB as proposed by HAPC will eliminate a step in the process which is not especially time-consuming; however, the NDRC and the Planning Commission have been known to reach different conclusions and render conflicting decisions adding confusion to the process for citizens.
  - The process map attached illustrates the proposed process changes.
  - This reduction of required process supports the City's Smart Processing initiative and is a specific action item in *plaNorfolk2030*.
- As proposed by HAPC, the ARB will have a different composition from the current requirements for the NDRC with more focus on historic preservation-oriented professionals
  - The membership is somewhat constrained by the CLG requirements for the make-up of the ARB.
- Becoming a CLG will allow the City to apply for and use funds specifically set aside for CLGs by the US Department of the Interior and VDHR.
  - CLG grants and funding can be used for a myriad of projects including surveys of districts and individual structures, promotional and recognition efforts like the Cannonball Trail, and educational opportunities for ARB members and staff.
  - The effort to have the City become a CLG is supported by *plaNorfolk2030*.
- Streamlining the text and clarifying requirements will represent a significant improvement for the users in understanding what needs to be done, when and how.
  - Improving the clarity and user-friendliness of ordinances is also a goal of the Smart Processing initiative.
- Establishing provisions to designate structures and places as a Norfolk Historic Landmark will allow the City to avoid in the future creating single parcel historic districts as is now the situation with Hodges House.
  - The opportunity to have local landmark designations in the City is supported by *plaNorfolk2030*.
- The proposal to require a COA for demolition in all historic overlay districts including Downtown is consistent with requirements of the Historic and Cultural Conservation Districts.
  - Having a requirement for COA to authorize demolition of contributing structures in historic overlay districts including Downtown is supported by *plaNorfolk2030*.
  - Both DNC and DNCL have written letters of support for this provision.
- The proposal to provide an expanded right of appeal applicable to any and all actions of the ARB was proposed by HAPC based on strong public support at the public hearing conducted by HAPC.
  - At the request of City Council, HAPC gave further consideration to how an appropriate appeal process could be structured.
    - An unfettered general right of appeal for COA decisions by the ARB is not supported by *plaNorfolk2030* as it could serve to potentially slow down applications and add more process; however a somewhat more limited approach could assure that reasonable opportunities to request City Council review of COA decisions are available and limit the delay.

- The refined appeal proposal allows any property owner in the Historic and Cultural Conservation District or Historic Overlay District in which the property that is the subject of the COA is located to file an appeal of the COA action with City Council.
- The City Council action then can be appealed to the Circuit Court in two ways:
  - Any property owner in the Historic and Cultural Conservation District or Historic Overlay District in which a building that is the subject of a COA for demolition may appeal the granting of a COA allowing demolition; and
  - The property owner of any property denied a COA may appeal.
- The historic and cultural conservation districts and historic overlay districts are not the only districts or situations for which the City's design review process is used so the changes proposed in creating an ARB have a ripple effect through other portions of the *Zoning Ordinance* and City Code.
  - The amendments proposed to Chapters 2, 3, 8, 10, 15, 18 and 25 change references from the NDRC to ARB or refer generically to the design review process.
  - Staff has also identified 4 areas within City Code outside of the *Zoning Ordinance* where some amendment will also be needed to change references from NDRC to ARB.
  - As proposed, the other design review functions outside of the historic and historic overlay districts will occur essentially as is now the case with the ARB making design recommendations to the Planning Commission for applications outside of the historic districts, simply substituting the ARB for the NDRC in the current process.

#### Traffic Analysis

No traffic impacts will occur as a result of this amendment.

#### **V. Financial Impact:**

Approval of the amendment is not expected to have any direct financial impact; however, enhanced user-friendliness may have indirect positive economic development benefits by further improving the reputation of Norfolk as a "Business-Friendly" community.

#### **VI. Environmental:**

The proposed amendment will enable additional historic and architecturally-significant structures to be designated as Norfolk Landmarks which should improve the opportunities for preservation in the City.



**VII. Community Outreach/Notification:**

- Letters were mailed to the presidents of all civic leagues which have Historic and Cultural Conservation Districts or Overlays on 24 October 2013.
- Letters were mailed to the presidents of the Norfolk Preservation Alliance and the Norfolk Historical Society on 24 October 2013.
- Notice was sent to the civic leagues by the Department of Communications on 4 December 2013.
- Legal notification was placed in *The Virginian-Pilot* on 5 and 12 December 2013.

**VIII. Coordination/Outreach:**

This request has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

- This request has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.
- In addition to these Zoning Text Amendments, other amendments to the City Code are needed; these have been prepared by the City Attorney's Office.
- As part of these changes, appointments are needed for the new ARB.
  - Staff has worked with the City Clerk's Office to schedule these appointments on a Council agenda.

**Supporting Material from the Department of Planning and Community Development:**

- Map of Local Historic Districts
- Flow Chart of Process Changes
- Comparison Matrix
- Public Comments with HAPC Response
- Letters of support

**Proponents and Opponents**

**Proponents**

Donna Phaneuf – HAPC, chair  
150 Randolph Street  
Norfolk, VA 23505

Mark Perreault – HAPC, vice-chair  
950 Hanover Avenue  
Norfolk, VA 23508

Greta Gustavson – HAPC, member  
421 West Bute Street, Suite 206  
Norfolk, VA 23510

Michael E. Glenn – HAPC, member  
629 Mayflower Road  
Norfolk, VA 23508

Ray W. King  
999 Waterside Drive, Suite 2100  
Norfolk, VA 23510

Jessica Kliner  
201 Granby Street, Suite 201  
Norfolk, VA 23510

**Opponents**

None

Form and Correctness Approved:

By   
Office of the City Attorney

Contents Approved:

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 32, ARTICLE III OF THE CODE OF THE CITY OF NORFOLK, VIRGINIA, 1979, SO AS TO REORGANIZE THE BOARDS WHICH REVIEW CERTIFICATES OF APPROPRIATENESS FOR HISTORIC DISTRICTS AND PROPERTIES BY CREATING THE NORFOLK ARCHITECTURAL REVIEW BOARD, ADJUSTING THE DESIGN REVIEW PROCESS, AND DISSOLVING THE NORFOLK DESIGN REVIEW COMMITTEE AND THE NORFOLK HISTORIC AND ARCHITECTURAL PRESERVATION COMMITTEE.

- - -

WHEREAS the City Council has determined that the responsible preservation of historic properties promotes the public welfare;

WHEREAS on February 26, 2008, the City Council established the Norfolk Historic and Architectural Preservation Committee in order to assess the extent of the city's existing regulations of historic properties and whether such should be enhanced, altered, or amended;

WHEREAS said Committee was constituted to evaluate the status of historic preservation and provide guidance to the City Council regarding its regulation;

WHEREAS said Committee has, in accordance with these purposes and in fulfillment of its role, made recommendations to the City Council regarding legislative actions that should be



considered in order to promote responsible preservation of historic properties and the public welfare;

WHEREAS the City Council seeks to establish a dedicated Architectural Review Board for the purpose of administering the zoning regulations adopted to protect historic properties and issuing decisions regarding all applications for certificates of appropriateness for activities involving historic districts and properties;

WHEREAS, the City Planning Commission, which has heretofore performed this function, is to be relieved of the duty and responsibility of reviewing applications for certificates of appropriateness for activities involving historic districts and properties;

WHEREAS, the requirements for professional expertise, community involvement, and historical knowledge established for the Architectural Review Board are necessary and appropriate qualifications to enable it to perform the function of a design review board assessing the quality, compatibility, and appearance of projects constructed by the city or with city funds;

WHEREAS, the Norfolk Design Review Committee, which heretofore has advised the City Planning Commission on design review matters as well as applications for certificates of appropriateness, is to be relieved of all of its duties and

responsibilities; now therefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That, pursuant to Section 141 of the Charter of the City of Norfolk, 1958 (as amended), the Norfolk Architectural Review Board is hereby created and shall have membership requirements, terms of office, powers, duties and responsibilities as set forth in the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

Section 2:- That the Norfolk Historic and Architectural Preservation Committee is hereby dissolved.

Section 3:- That the Norfolk Design Review Committee is hereby dissolved.

Section 4:- That Chapter 32, Article III, Division 1 of the Norfolk City Code, 1979, shall be amended and ordained so as to establish a design review process and to assign the duty of making recommendations under said process to the Architectural Review Board. The sections set forth in this Division 1 shall read as follows:

#### DIVISION 1. DESIGN REVIEW

##### Sec. 32-61. Definition.

As used in this article, the term "review board" shall mean the Norfolk Architectural Review Board.

##### Sec. 32-62. Establishment of review board.

In order to assist with consideration of appropriate and desirable design of buildings and structures erected by or with the financial assistance of the city, a review board is established to review the design of such projects.

##### Sec. 32-63. Design review process.

###### (a) Implementation.

- (1) To implement the provisions of this article, all departments of the city, the school board of the city, the Norfolk Airport Authority, and the Norfolk Redevelopment and Housing Authority are hereby required to

submit to the commission and the review board all activities undertaken by them which are subject to the terms of this article. However, the Norfolk Public Arts Commission and any department, bureau or division of the city tasked with assisting the public arts commission in its work shall be exempt from this requirement.

- (2) If such entities contract with others to accomplish such undertakings or if public property is sold or leased for development and the provisions herein apply, then such entities may contractually require conformance with the applicable provisions of this article. The city manager may require adherence to the provisions established by this article by appropriate means, including administrative regulations and contract and grant provisions.
- (b) *Duties.* The review board shall act in an advisory capacity to the city planning commission on those projects within its purview, defined below, and other matters referred to it by the commission.
- (c) *Action.*
- (1) On each project or matter that comes before it pursuant to the design review process set forth herein, the review board shall recommend approval, approval with conditions, or denial. Matters shall only be continued upon the request of or with the consent of the applicant.
  - (2) Action shall be taken within 30 days after a completed application is delivered to the department of planning or, for matters referred to the review board by the city planning commission, within such shorter or longer period of time as may be established by the commission.
  - (3) A written report of all meetings held, matters considered, and advice rendered by the review board shall be maintained by staff.



- Sec. 32-64.      Reserved.
- Sec. 32-65.      Reserved.
- Sec. 32-66.      Reserved.
- Sec. 32-67.      Reserved.
- Sec. 32-68.      Staff services.

The staff of the department of planning shall provide to the review board such staff services as are necessary to enable it to consider and act upon the matters within its purview. Such services may include a staff report and recommendation. The planning director (or his designee) may, in appropriate cases, require that plans, drawings and/or other documents be prepared and signed by an architect before being presented to the review board. Preparation of plans by an architect may be required for proposals of unusual complexity or when such professional services are necessary to remove or minimize project ambiguities. A decision to require that plans be prepared and signed by an architect shall be communicated in writing to the applicant. Where such action is required, no application will be considered perfected or completed unless and until the architect's input is obtained.

Sec. 32-69.      Guidelines; standards for review.

The review board shall review matters submitted for its consideration with reference to the goal of achieving coordinated and harmonious development in order to promote the health, safety, order, convenience, prosperity, and the general welfare of the city. The review board will consider the compatibility of proposed projects with the surrounding environment, details such as scale, form, materials, color, landscaping and site appurtenances, and, for city projects, any applicable city standards, consistency with other public projects, and the overall appearance of and vision for the city's civic facilities.

Sec. 32-70      Matters within the purview of the review board.

- (a) Matters within the purview of the review board

shall include the following:

- (1) New public buildings, including both site plans and architectural plans. Exterior renovations to existing public buildings or major site plan changes that involve parking, landscaping, lighting or signs;
- (2) Whenever a contract exists between the developer and the city or an agency thereof the terms of which require design review and approval in accordance with this article; or whenever the project is located outside the Suburban Character District, as defined under the city's zoning ordinance and is either funded, in whole or in part, by the city or an agency thereof or is constructed on land acquired or leased from the city, specifically including those lands acquired for development or redevelopment purposes, for any of the following projects:
  - a. Private multifamily and nonresidential buildings;
  - b. Private townhouses, double houses, and condominium developments; and
  - c. Other private residential development projects for sale to individual owners involving attached dwelling units or party walls;
- (3) Facades, awnings, canopies, landscaping, lighting fixtures, signs and outdoor dining areas when they encroach onto public property or into public rights-of-way; alterations to existing encroachments, including changes in colors, materials or signs;
- (4) Statues, monuments, memorial structures and other works of art proposed for acquisition by the city and to be installed on the exterior of a property owned by the city or an agency thereof to the extent such works of art do not fall under the powers and duties of the Norfolk Public Arts Commission

as set out in division 2 of this article, as amended;

- (5) Construction of bridges, overpasses and underpasses along public streets if funded in whole or in part by the city;
  - (6) Design of new public parks and open spaces; major renovations to existing public parks and open spaces; landscaping of major streets;
  - (7) Design standards or guidelines as they relate to lighting fixtures, street name signs, directional signs, infill landscaping, benches, trash receptacles and other street appurtenances located in the public right of way or on public property; and
  - (8) Any matter expressly made subject to the review board's consideration by a provision of the city code or the zoning ordinance; and
  - (9) Other requests of the city planning commission.
- (b) Notwithstanding anything to the contrary in subsection (a), above, the following matters are exempted from the purview of the review board:
- (1) Sale of a single lot to an adjacent owner, sale of lots for single-family residential development, and construction of detached dwellings on single lots;
  - (2) Rehabilitation of one-family and two-family structures;
  - (3) Rehabilitation projects where the work involves restoration of existing materials or repair and replacement with the same materials;
  - (4) Rehabilitation required to meet minimum housing code and building code compliance; and



- (5) Private projects where the only public involvement is financing provided, in whole or in part, by special industrial revenue bonds.
- (6) Private projects where a contract exists between the developer and the city or an agency thereof the terms of which expressly exempt the project from the design review process set forth in this article.

**Sec. 32-71. Reserved.**

**Sec. 32-72. Reserved.**

Section 5:- That Section 32-72.3 of the Norfolk City Code, 1979, shall be amended and ordained so as to alter the membership requirement for the Norfolk Public Arts Commission to include one member of the Architectural Review Board in the place of one member of the Design Review Committee. This amended section shall read as follows:

**Sec. 32-72.3. Composition; appointment of members.**

The Norfolk Public Arts Commission shall consist of eleven (11) members all of whom shall be citizens of the city, appointed by the council, and shall serve without compensation. The membership of the Norfolk Public Arts Commission shall consist of one representative for each of the commission on arts and humanities, the city planning commission, the architectural review board, the visual arts, landscape architecture, building architecture, education, and two (2) representatives for each of the business community and the citizens at large.

Section 6:- That Section 32-72.7 of the Norfolk City Code, 1979, shall be amended and ordained so as to remove a reference to the Design Review Committee and to allow projects reviewed by the Norfolk Public Arts Commission to be to exempt from the design review process. This amended section shall read as follows:

**Sec. 32-72.7. Powers and duties.**

The Norfolk Public Arts Commission shall have sole authority to make recommendations regarding works of art that are or are intended to become public art

and part of the public art collection. Its recommendations concerning public art may be acted on by the city manager without review by either the city planning commission or the city's design review board, except that decisions concerning the placement of works of art within the city's historic districts must follow the procedural provisions of chapter 9 of the city's zoning ordinance that apply. In addition, the Norfolk Public Arts Commission shall have the following specific powers and duties:

- (1) To develop a public art program;
- (2) To develop program policies, procedures and guidelines;
- (3) To review public art proposals and make recommendations concerning commissioning, purchasing, otherwise contracting for or adopting works of art for the public art collection, including artist and/or artwork selection, site selection, maintenance, and deaccessioning of works of art for the public art collection; and
- (4) To provide advice and recommendations to council and City Administration on all aspects of public art, including policy, planning, projects, funding and education.

Section 7:- That Chapter 32, Article III, Division 3 of the Norfolk City Code, 1979, consisting of sections 32-72.10 through 32-72.15, inclusive, is hereby repealed.

Section 8:- That this ordinance shall be in effect on and after April 1, 2014.